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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,544	12/22/2000	Edward J. Panelli	GEMS:0117/YOD 15-EC-5768	2097

7590 07/23/2003
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EXAMINER

SCHIFFMAN, JORI

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 07/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/747,544

Applicant(s)

PANELLI, EDWARD J.

Examiner

Jori R. Schiffman

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al. (US 6070149) in view of Henley (US Pub. No. US 2002/0065758A1) and Doi et al. (US 5224177).

Regarding claims 1, 4, 9, 13, and 15, Taylor discloses a computer system coupled to a network to enable a supplier to provide a customer with a recommended service or product comprising an application server and product selector file written in a markup language and stored in the computer system that directs a query page (Fig. 3) comprising a plurality of questions designed to enable the computer system to determine a recommended service or product based on the customer's responses, a comparison program to receive a completed query page and compare customer's responses (Fig. 5), a product configuration file written in a markup language which contains information about the specific product, and a server to provide a results page to the customer via the network (Fig. 6), the results page providing the customer with a recommended service or product. Taylor fails to disclose the type of product being a CR system. Henley

teaches the product being a medical service or product, while Doi teaches a CR system can be purchased (col. 8, l. 62). It would have been obvious at the time the invention was made to a person of ordinary skill in the art to use a CR system as the type of product being supplied in Taylor as disclosed in Henley and Doi since it is a widely used medical product, and there are many different models which a user may need help with when purchasing. It would also have been obvious at the time the invention was made to a person of ordinary skill in the art to include the question of whether a single plate or multiple plate CR system is to be recommended in the program since those are two well-known types of CR systems.

As to claims 2, 3, 6, 14, and 21-24, Taylor discloses the use of Java applets and Java script (col. 2, l. 33-34 and 40-41, and col. 34, l. 35-38), and therefore it would have been obvious at the time the invention was made to a person of ordinary skill in the art to write the application server, comparison program, query page, and results page in Java applets and Java script.

Referring to claims 5, 12, 16, and 17, Taylor discloses the use of XML (col. 2, l. 23-24), and therefore it would have been obvious at the time the invention was made to a person of ordinary skill in the art to write the product selector file and product configuration file in XML.

In regards to claims 7, 8, and 19, Taylor fails to disclose the query page and each question having an associated link to a help page. Help pages are well known in the art to guide users through websites when they are not sure of the next step to take, as shown in Henley (Fig. 12). It would have been obvious at the

time the invention was made to a person of ordinary skill in the art to include links to help pages for the query page as well as each question to assist the user if they are unsure of what to do next on the website.

As to claims 10, 11, and 25, Taylor discloses the specific configurations of a product being determined by the sales history and comprising a software package (col. 33, l. 38-44).

Referring to claim 18, Taylor discloses each question being a multiple-choice question (Fig. 3).

Regarding claim 20, Taylor discloses the use of HTML (col. 2, l. 20-22), and therefore it would have been obvious at the time the invention was made to a person of ordinary skill in the art to write the help file in HTML.

In regards to claims 26 and 31, Taylor discloses a method of utilizing a computer system coupled to a network to assist a customer in purchasing a service or product comprising connecting a customer communication system to a computer system supplier, routing a request for assistance from the customer to a product selector file written in XML, wherein the product selector file fills a template with questions stored in the product selector file, delivering the template to a customer, completing the template with the customer communication system and transmitting it to the computer system, receiving a completed template from the customer, and determining a recommended service or product and configuring by comparison data derived from the completed template to supplier data stored in the computer system in a product configuration file written in XML, wherein the product configuration file fills a results page with the recommended service or

product for delivery to the customer communication system. Taylor fails to disclose the type of product being a CR system. Henley teaches the product being a medical service or product, while Doi teaches a CR system can be purchased (col. 8, l. 62). It would have been obvious at the time the invention was made to a person of ordinary skill in the art to use a CR system as the type of product being supplied in Taylor as disclosed in Henley and Doi since it is a widely used medical product, and there are many different models which a user may need help with when purchasing.

As to claims 27 and 28, Taylor discloses the routing comprising activating a link in a page to an application server which routes the request to the product selector file.

Regarding claims 29 and 30, Taylor discloses the use of Java script (col. 34, l. 35-38), and therefore it would have been obvious at the time the invention was made to a person of ordinary skill in the art to write the template and results page in Java script.

Referring to claim 32, Taylor discloses the customer communication system having an interface coupled to the Internet.

As to claim 33, Taylor discloses the supplier data for a plurality of different configurations of components and software for a service or product.

In regards to claim 34, Taylor discloses a program to compare customer data to the plurality of configurations of components and software (col. 33, l. 38-44).

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Regarding claim 35, the product configuration file provides the results page with the data for specific services or products when the program identifies a specific configuration that matches customer data.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following publications are cited further to show the state of the art with respect to systems for purchasing a service or product online based on customer feedback in general: U.S. Pat. No. 6167383 to Henson, U.S. Pat. No. 5768142 to Jacobs, U.S. Pat. No. 4992940 to Dworkin, U.S. Pat. Pub. No. 2001/0032123 A1 to Burns et al., *Business Wire*, New York; March 29, 2000; www.neoforma.com, and www.Kodak.com.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jori R. Schiffman whose telephone number is 703-305-4805. The examiner can normally be reached on M-Th, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on 703-308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-1113.


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Jori R. Schiffman
Examiner
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JS
July 18, 2003



Lynne H. Browne
Supervisory Patent Examiner
Technology Center 3679